

KRAUSE  
"Operating Mode Extensions in Wireless  
Communications Networks"  
Atty. Docket No. CS23879RA

Appl. No. 10/797,172  
Confirm No. 4057  
Examiner J. Contee  
Art Unit 3617

## REMARKS

### **Request for Reconsideration, Informal Matters, Claims Pending**

The non-final Office Action mailed on 25 January 2007 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

The specification was amended grammatically and idiomatically. The claims were amended to address informalities. No issues have been raised and new matter has been added.

Claims 1-32 are pending.

### **Allowability of Claims Over Fehnel**

#### **Rejection Summary**

Claims 1-32 stand rejected under 35 USC 102(b) for anticipation by U.S. Patent No. 6,064,889 (Fehnel).

#### **Discussion of Claim 1**

Regarding Claim 1, Fehnel fails to disclose a

... method in a multi-mode wireless communications device capable of operating in CDMA and GSM communications modes, the method comprising:

operating the multi-mode wireless communications device in CDMA communications mode;

while operating in CDMA communications mode, generating an origination message including information indicating an ability of the multi-mode wireless communications device to operate in GSM communications mode.

Contrary to the Examiner's assertion, Fehnel does not meet the limitations of Claim 1. The various passages of Fehnel cited by the Examiner do not anticipate Claim 1. At col. 8, lines 25-48, Fehnel discusses a mobile station (MS) that sends a registration access message over an analog control channel (CCH). The message also indicates whether the MS is a dual-mode device or analog-only device. The system registers the MS on the analog system and also indicates to dual-mode devices the location of the digital CCH. At col. 15, lines 3-26, Fehnel discusses how the system distinguished between analog-only and dual-mode devices based on the MPCI or ECN.

In Fehnel, the registration access message sent on the analog CCH is not an "origination message" as recited in Claim 1. Also, Fehnel fails to disclose generating an origination message "... while operating in CDMA communications mode." In Fennel, the MS is not even connected to the analog system when the registration access message is sent on the analog CCH. Claim 1 is thus patentably distinguished over Fehnel.

### Discussion of Claim 13

Regarding independent Claim 13, Fehnel fails to disclose a

... message for origination or page response by a multimode communications device, the message comprising:  
a first additional mode information field of the message for indicating an ability of a multimode communications device to

accept a channel assignment in a first additional mode other than a first mode;

a second additional mode information field of the message for indicating an ability of the multimode communications device to accept a channel assignment in a second additional mode other than the first mode and the first additional mode.

Contrary to the Examiner's assertion, Fehnel does not meet the limitations of Claim 13. The various passages of Fehnel cited by the Examiner do not anticipate Claim 13. At col. 12, line 9 – col. 13, line 49, Fehnel discusses parameters that regulate mobile station registration functions including the SID, LOCAID, PUREG, REGID, NXTREG, among others. In Fehnel, however, the registration access message sent on the analog CCH is not a message "for origination or page response" as recited in Claim 13. Claim 13 is thus patentably distinguished over Fehnel.

### Discussion of Claim 19

Regarding independent Claim 19, Fehnel fails to disclose a

... method in a CDMA communications network, the method comprising:

generating a channel assignment message;

providing GSM channel assignment information in the channel assignment message.

Contrary to the Examiner's assertion, Fehnel does not meet the limitations of Claim 19. The various passages of Fehnel cited by the Examiner do not anticipate Claim 19. At col. 8, lines 25-48, Fehnel discusses a mobile station (MS) that sends a registration access message over an analog control

channel (CCH). The message also indicates whether the MS is a dual-mode device or analog-only device. The system registers the MS on the analog system and also indicates to dual-mode devices the location of the digital CCH. At col. 15, lines 3-26, Fehnel discusses how the system distinguished between analog-only and dual-mode devices based on the MPCI or ECN.

In Fehnel, the registration confirmation message received by the MS upon registering on the analog CCH indicates the location of the digital CCH. Fehnel fails to disclose or suggest a CDMA communications network that provides GSM channel assignment information in a channel assignment message. The digital CCH referenced in the registration confirmation of Fehnel is for registering on the digital system (not a GSM channel assignment). Claim 19 is thus patentably distinguished over Fehnel.

#### Discussion of Claim 25

Regarding independent Claim 25, Fehnel fails to disclose a

... method for network resource allocation in a first communications network, the method comprising:

receiving a message from a multimode mobile station;  
generating a channel assignment message for the multimode mobile station operating in a first communications network on the first network in response to the message;

assigning the multimode mobile station to a second network in the channel assignment message;

transmitting the channel assignment message to the multimode mobile station.

Contrary to the Examiner's assertion, Fehnel does not meet the limitations of Claim 25. The various passages of Fehnel cited by the Examiner

do not anticipate Claim 25. At col. 12, line 9 – col. 13, line 49, Fehnel discusses parameters that regulate mobile station registration functions including the SID, LOCAID, PUREG, REGID, NXTREG, among others.

In Fehnel, the registration confirmation message received by the MS upon registering on the analog CCH indicates the location of the digital CCH. Fehnel fails to disclose or suggest a first communications network that assigns a multi-mode device to a channel in a second network. The digital CCH referenced in the registration confirmation message of Fehnel is for registering (it's not an assignment) on the digital system. Claim 25 is thus patentably distinguished over Fehnel.

### Discussion of Claim 28

Regarding independent Claim 28, Fehnel fails to disclose a

... method in a multimode communications device, the method comprising:

receiving a channel assignment message while operating in a first mode pursuant to a first communications protocol,

the channel assignment message including channel assignment information for a mode of operation pursuant to a second communications protocol;

transitioning to one of an access grant channel or a dedicated channel based on the channel assignment information for the different mode of operation.

Contrary to the Examiner's assertion, Fehnel does not meet the limitations of Claim 28. The various passages of Fehnel cited by the Examiner do not anticipate Claim 28. At col. 12, line 9 – col. 13, line 49, Fehnel discusses

paramters that regulate mobile station registration functions including the SID, LOCAID, PUREG, REGID, NXTREG, among others.

The registration confirmation message with an indication of the location of the digital CCH received by the MS of Fehnel is not a "channel assignment message including channel assignment information for a mode of operation pursuant to a second communications protocol..." as in Claim 28. Also, in Fehnel, registration of the dual-mode MS on the digital CCH is not the same as "... transitioning to one of an access grant channel or a dedicated channel based on the channel assignment information for the different mode of operation" as in Claim 28.

### Discussion of Claim 31

Regarding independent Claim 31, Fehnel fails to disclose a

...channel assignment message native to a first communications protocol for transmission to a multimode communications device operable in a mode pursuant to the first communications protocol and operable in at least one other mode pursuant to a second communications protocol, comprising:

channel assignment information of the channel assignment message including assignment information for one of an access grant channel of the second communications protocol or a dedicated channel of the second communications protocol.

Contrary to the Examiner's assertion, Fehnel does not meet the limitations of Claim 31. The various passages of Fehnel cited by the Examiner do not anticipate Claim 31. At col. 12, line 9 - col. 13, line 49, Fehnel discusses paramters that regulate mobile station registration functions including the SID, LOCAID, PUREG, REGID, NXTREG, among others. In Fehnel, the

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registration confirmation message with an indication of the location of the digital CCH received by the MS is not a "channel assignment message" including "... assignment information for one of an access grant channel of the second communications protocol or a dedicated channel of the second communications protocol" as in Claim 31. Claim 31 is thus patentably distinguished over Fehnel.

**Prayer For Relief**

In view of any amendments and the discussion above, the present application is in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

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